

REMARKS / ARGUMENTS

This application is believed to be in condition for allowance because the claims are non-obvious and patentable over the cited references. The following paragraphs provide the justification for this belief. In view of the following reasoning for allowance, the Applicant hereby respectfully requests further examination and reconsideration of the subject patent application.

1.0 Examiner Interview of September 30, 2008:

During the Examiner Interview of September 30, the Examiner indicated that claims 7-9 and 16-18 were allowable, but suggested that claim 16 needed to be amended to address minor formatting issues that raise concerns under 35 U.S.C. §101.

In response, Applicants have amended independent claim in the manner suggested by the Examiner such that the preamble of independent claim 16 now recites the following language: “A computer-implemented process... ***comprising the steps of...***” Further, the limitations of claim 16 have been amended to change those elements to active steps. In particular, the term “compute” at the beginning of each limitation has been amended to recite “computing” while the term “construct” at the beginning of the last element of claim 16 has been amended to recite “constructing”.

In addition, the Examiner also suggested that several of the previously withdrawn dependent claims that are dependent from previously withdrawn independent claims could be added as dependent claims to allowable independent claims 7 and/or 16 following cancellation of the previously withdrawn claims.

In response, Applicants have added the limitations of original dependent claim 3 as new dependent claim 23 which is dependent from allowable independent claim 7. Further, Applicants have also added the limitations of original dependent claims 11-14 as new dependent claims 24-27, which are also dependent from allowable independent claim 7.

Applicants have also added the limitations of original dependent claims 11-14 as new dependent claims 28-31, which are dependent from allowable independent claim 16. Further, since the limitations of newly added claims 23-31 incorporate the limitations of original claims 3 and 11-14, no new matter has been added by the addition of these claims.

Finally, it should also be noted that support for the limitations of newly added claims 23-31 is found throughout the specification, as originally filed (i.e., United States Patent Application 20050010675). For example, support for the limitations of newly added claim 23 can be found throughout the specification, including paragraphs [0009], [0011], [0043], [0045], etc. Similarly, support for the limitations of newly added claims 24-27 (and corresponding claims 28-31) can also be found throughout the specification of the present application, including paragraphs [0013], [0052], [0059], [0090], etc. and the related discussion of “edges with unit capacity” relative to FIG. 3.

Therefore, in view of the allowability of independent claims 7 and 16, and in view of the fact that the limitations of newly added claims 23-31 are fully supported by the original claims and the original specification, Applicants respectfully suggest that newly added dependent claims 23-31 are also allowable.

CONCLUSION

In view of the above, it is respectfully submitted that claims 7-9, 16-18, and 23-31 are in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of claims 7-9 and 16-18 and to pass this application to issue. Additionally, in an effort to further the prosecution of the subject application, the Applicant kindly invites the Examiner to telephone the Applicant's attorney at (805) 278-8855 if the Examiner has any additional questions or concerns.

Respectfully submitted,



Mark A. Watson
Registration No. 41,370
Attorney for Applicant

Lyon & Harr
300 Esplanade Drive, Suite 800
Oxnard, California 93036
(805) 278-8855